

5330/DIV/USSN 09/666,612
Group Art Unit 1616

- B1
Intel
Subc' contd*
- at least one waxy ester having at least 24 carbon atoms.

R E M A R K S

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth hereinafter.

Claims 22 and 23 are rejected under 35 U.S.C. §112, first paragraph, for lack of enablement, specifically, for not providing enablement for a lotion since the specification describes a lotion which is a liquid at a temperature of at least 5°C. Applicants have amended claim 22 to define the claimed lotion as a liquid at a temperature of at least 5°C. Support for the amendment is found at page 12, lines 4-6 of the captioned application. Accordingly, applicants respectfully submit the claims are enabling within the requirements of §112. Withdrawal of the rejection is requested.

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yang et al (U.S. Patent No. 2,944,931) in view of Allen (U.S. Patent No. 4,481,243).

Applicants initially note that claim 21 was canceled in the Preliminary Amendment filed September 20, 2000.

Applicants further respectfully submit that the

claimed invention is not rendered obvious within the meaning of 35 U.S.C. §103(a).

Yang et al teaches a process for making sanitary paper having improved softness by incorporating lanolin in the form of an aqueous emulsion into an aqueous paper-making slurry (column 1, lines 51-56). More particularly, Yang et al teaches using a cationic emulsifier, such as quaternary ammonium salts, or in the alternative, a non-ionic emulsifier, such as aliphatic polyhydric alcohols incompletely esterfied with higher molecular weight fatty acids, to produce an aqueous emulsion of lanolin (column 2, lines 19-50). Thus, Yang et al merely teaches using quaternary ammonium salts or aliphatic polyhydric alcohols incompletely esterfied with higher molecular weight fatty acids for the purpose of emulsifying lanolin in water.

In contrast to Yang et al, Allen teaches a tissue paper substrate having an emollient having cetearyl alcohol therein distributed over at least one major surface of the paper (column 2, lines 1-9). The emollient is included on the paper as a skin conditioner, specifically, to soften, soothe, supple, coat, lubricate, moisturize or clean the skin (column 5, lines 45-47). Allen teaches applying the emollient to the surface of the tissue paper by spraying, dipping, padding or extrusion (column 5, line 67-column 6, line 3).

Given the differences between the specific

teachings of Yang et al and Allen, applicants respectfully submit that there is no suggestion to combine the teachings of Yang et al and Allen. More particularly, Allen teaches applying an emollient which may contain cetearyl alcohol to a dry tissue paper product for the sole purpose of providing a skin conditioner thereon. In contrast thereto, the cationic or non-ionic aqueous emulsion of lanolin of Yang et al is a wet addition to a paper-making slurry for the sole purpose of imparting softness to the resulting paper by depositing or adsorbing discrete lanolin particles on individual fibers used to make paper (column 2, lines 9-13). Accordingly, one skilled in the art at the time of the invention seeking to impart a skin conditioning feature to paper, as in Allen and the present invention, would not look to Yang et al. Thus, there is no motivation or suggestion to combine the teachings of Yang et al with Allen, in particular to obtain applicants' claimed invention. This is emphasized by the compound of Yang et al being a wet addition to an aqueous paper-making slurry whereas Allen teaches adding emollient to a dry paper substrate.

Additionally, it is noted that neither Yang et al nor Allen recognize any criticality as to the emollient being a liquid at a temperature of at least 5°C, as now claimed in claim 22.

Accordingly, applicants respectfully request withdrawal of the §103 rejection.

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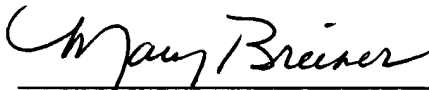
Claims 24 and 25 are rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1, 2 and 20 of U.S. Patent No. 6,146,648 (which is the parent to the present application).

Applicants have canceled claims 24 and 25 in view of the Examiner's rejection.

Reconsideration and allowance of the application is respectfully urged.

Respectfully submitted,

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Attachments - Marked-Up Version of the Claim

MARKED-UP VERSION OF THE CLAIM

22. (Amended) Absorbent paper product having at least one surface of said product impregnated with a lotion which is liquid at a temperature of at least 5°C, said product comprising:

- paper fibers,
- at least one quaternary ammonium compound,
- at least one saturated linear fatty alcohol having at least 16 carbon atoms, and
- at least one waxy ester having at least 24 carbon atoms.